

Message Text

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50/47

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

ACDA-05 IO-10 NIC-01 SAJ-01 SCCT-01 EB-07 FAA-00

DOTE-00 EURE-00 /082 W

----- 055138

O R 081220Z APR 75

FM USMISSION USBERLIN

TO AMEMBASSY BONN IMMEDIATE

INFO SECSTATE WASHDC 0744

AMEMBASSY BERLIN UNN

AMEMBASSY LONDON

AMEMBASSY MOSCW

AMEMBASSY PARIS

USMISSION NATO

C O N F I D E N T I A L USBERLIN 670

C O R R E C T E D C O P Y (OMITTED PORTION 3RD PARA NUMBERED PARA
4)

E.O. 11652: GDS

TAGS: PGOV, PFOR, WB, UR, US, FR, UK, GW

SUBJECT: SOVIET COMPLAINT ON FRG ACTIVITIES IN BERLIN

REFS: A)STATE 77578; B) BONN 5526

1. SUMMARY: STEPS TAKEN BY ALLIES DURING LORENZ AFFAIR
SUFFICIENT TO DOCUMENT STATEMENT THAT ALLIES REMAINED IN
FULLL CONTROL OF SITUATION AND FULLFILLED THEIR RESPONSIBILITIES
FOR SECURITY AND FOR ADHERENCE BY GERMAN AUTHORITIES
TO QA. MISSION PROPOSES DRAFT LANGUAGE FOR RESPONSE TO
SOVIET DEMARCHE IN CAPITALS. END SUMMARY:

2. FOLLOWING ARE STEPS WHICH ALLIES TOOK TO ENSURE
THAT GERMAN BEHAVIOR DURING LORENZ AFFAIR CORRESPONDED
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WITH LEGAL SITUATION IN BERLIN GENERALLY AND WITH QA

SPECIFICALLY:

--MAINTAINED CONTINUOUS CONTACT WITH GOVERNING MAYOR'S
CRISIS STAFF THROUGH SENAT LIAISON OFFICERS;

--MAINTAINED CONTINUOUS CONTACT WITH POLICE THROUGH
PUBLIC SAFETY OFFICERS, INCLUDING STATIONING OF US PERSONNEL
AT POLICE HEADQUARTERS;

-- TOOK SPECIFIC DECISIONS IN CONNECTION WITH
PROVISION OF AIR TRANSPORT, IN ACCORDANCE WITH ALLIED
AVIATION RESPONSIBILITIES;

--CARRIED OUT CERTAIN MEASURES CONNECTED WITH POLICE
OPERATIONS, INCLUDING PHYSICAL SEARCHES OF VEHICLES WITH
ALLIED LICENSE PLATES, TECHNICAL SURVEILLANCE OF SUSPECTED
TERRORISTS OR INDIVIDUALS WITH SUSPECTED TERRORIST
CONNECTIONS UPON REQUEST OF LFV AND POLICE, AND AERIAL
SEARCHES FROM US ARMY HELICOPTERS;

--APPROVED IN WRITING POLICE SEARCH ACTIVITIES ON
S-BAHN TRAINS AND AT REICHSBAHN STATIONS IN WESTERN
SECTORS AND PROVIDED SOVIET EMBASSY IN EAST BERLIN WITH
ADVANCE NOTIFICATION THAT MINOR DELAYS IN TRAIN SCHEDULES
IN THEIR SECTOR MIGHT RESULT FROM THIS ACTIVITY;

--ARRANGED FOR STATEMENT TO BE ISSUED MARCH 7 BY
SENATOR FOR JUSTICE CLARIFYING STATUS OF FEDERAL ATTORNEY

GENERAL (GENERALSTAATSANWALT) IN BERLIN EXPLAINING THAT
INVESTIGATION WAS UNDER DIRECTION OF BERLIN ATTORNEY
GENERAL, NOT FRG OFFICIALS;

--INFORMED SENAT MARCH 4-5 OF CONDITIONS UNDER
WHICH POLICE FROM FRG LAENDER COULD BE BROUGHT TO BERLIN
TO AID IN INVESTIGATION (PURSUANT TO 1969 INTRA-LAENDER
POLICE COOPERATION AGREEMENT WHICH HAS BEEN EXTENDED TO
BERLIN) SUBJECT TO CONTROL OF BERLIN POLICE, NOT FRG OR
FRG LAENDER AUTHORITIES, ETC.;

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--ARRANGED FOR REMOVAL FROM BERLIN OF BUNDESGRENZ-
SCHUTZ (BGS) PERSONNEL MARCH 14 WHOSE PRESENCE HAD NOT
BEEN AUTHORIZED;

--PRESENTLY MAINTAINING CONTACT WITH SENAT TO
DETERMINE NEED FOR LIMITED NUMBER OF BFS EXPERTS AND TO
ENSURE THAT SUCH EXPERTS, IF PERMITTED TO COME TO CITY,
WILL OPERATE UNDER CONDITIONS CONSISTENT WITH ALLIED

RESPONSIBILITIES.

3. NUMBER OF THESE STEPS, NOTABLY THOSE RELATING TO PRESENCE IN BERLIN OF LAENDER POLICE REINFORCEMENTS, BGS PERSONNEL, AND FEDERAL ATTORNEY GENERAL WERE OF COURSE TAKEN IN PARALLEL WITH BONN GROUP CONSULTATIONS. THOSE INVOLVING BGS PRESENCE HAVE NOT COME TO PUBLIC ATTENTION AND HAVE NOT APPARENTLY BEEN NOTED BY SOVIETS. IN VIEW OF SENSITIVITY OVER BGS PRESENCE, IT WOULD PROBABLY BE PREFERABLE TO TREAT THIS POINT ONLY IN GENERAL TERMS WITHOUT MENTIONING BGS. SUM TOTAL IS, HOWEVER, SIGNIFICANT ENOUGH TO DOCUMENT STATEMENT THAT ALLIES REMAINED IN FULL CONTROL OF SITUATION AND HAVE FULFILLED THEIR RESPONSIBILITIES FOR SECURITY AND FOR ADHERENCE BY GERMAN AUTHORITIES TO QA DESPITE EXTRAORDINARY PRESSURES GERMANS HAVE BEEN OPERATING UNDER SINCE LORENZ WAS KIDNAPPED, FIRST TO RECOVER HIM SAFELY AND THEN TO GET RESULTS IN INVESTIGATION.

4. ABOVE IS PROVIDED FOR INFORMATION PURPOSES. WE BELIEVE THAT A LISTING OF ALL OR MOST OF THE ABOVE STEPS WOULD GIVE ALLIED RESPONSE TOO DEFENSIVE TONE PERMITTING SOVIETS TO ARGUE ABOUT EACH PARTICULAR POINT AND TO EXPECT SIMILAR EXPLANATIONS AND APOLOGIA IN FUTURE ABOUT ALLIED ACTIONS IN WSB. PERHAPS CITING FEW GENERALIZED EXAMPLES SELECTED FROM ALLIED ACTIONS WOULD BE BEST MEANS OF STRIKING BALANCE BETWEEN TOO CURSORY REPLY, ON ONE HAND, AND APPEARING TO

NEED TO JUSTIFY ACTIONS REQUIRING NO JUSTIFICATION ON THE OTHER. WE ESSAY BELOW DRAFT OF HOW PORTION OF REPLY TO SOVIET DEMARCHE INVOLVING CONTROLS EXERCISED IN BERLIN MIGHT LOOK.

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BEGIN TEXT: THE ALLIED AUTHORITIES HAVE TAKEN AND CONTINUE TO TAKE ALL NECESSARY STEPS TO FULFILL THEIR SECURITY RESPONSIBILITIES IN THE WESTERN SECTORS AND TO ENSURE THAT THE REQUIREMENTS, BOTH OF ALLIED LEGISLATION AND OF THE QUADRIPARTITE AGREEMENT, WERE AND STILL ARE SCRUPULOUSLY OBSERVED BY THE GERMAN AUTHORITIES DURING THE INVESTIGATION OF THE LORENZ KIDNAPPING. THE ALLIES INITIATED CONTINUOUS CONTACT WITH THE GOVERNING MAYOR'S CRISIS STAFF AND WITH THE POLICE IMMEDIATELY UPON RECEIVING WORD OF THE KIDNAPPING. THEY TOOK MANY DECISIONS THEMSELVES, FOR EXAMPLE WITH RESPECT TO THE AVIATION ASPECTS OF THE SITUATION, HAVE CARRIED OUT CERTAIN INVESTIGATORY ACTIVITIES AND TAKEN SUCH ADDITIONAL STEPS AS WERE NECESSARY TO ENSURE THAT THE BERLIN POLICE WERE ABLE TO PERFORM FUNCTIONS WHICH THE ALLIES CONSIDERED ESSENTIAL TO THE INVESTIGATION. THE SOVIET AUTHORITIES

WILL RECALL THAT THEIR BERLIN EMBASSY WAS INFORMED IN ADVANCE EARLY THE MORNING OF MARCH 5, IMMEDIATELY UPON THE RELEASE OF HERR LORENZ, OF POLICE ACTIVITIES WHICH THE ALLIES HAD AUTHORIZED ON S-BAHN TRAINS AND ON REICHSBAHN PROPERTY IN THE WESTERN SECTORS WHICH MIGHT HAVE LED TO MINOR DELAYS IN TRAIN SCHEDULES. THE ALLIES HAVE ALSO SUPERVISED THE PRESENCE IN BERLIN OF FRG OFFICIALS, WHO HAVE ACTED IN AN INFORMATION-GATHERING OR LIAISON ROLE REQUIRED BY THE FACT THAT THE TERRORIST DEMANDS AND, ULTIMATELY, SOME OF THE OCCURRENCES, DIRECTLY AFFECTED PERSONS IN FRG PRISONS AND FRG PROPERTY, OR WHO HAVE PERFORMED ONLY SUCH FUNCTIONS AS ARE AUTHORIZED BY LEGISLATION IN FORCE IN THE WESTERN SECTORS PURSUANT TO ESTABLISHED PROCEDURES. THE ALLIES REMAIN IN CONTACT WITH ALL ASPECTS OF THE INVESTIGATION SO THAT THEY CAN CONTINUE TO FULFILL THEIR SPECIAL RESPONSIBILITIES AND PREVENT ANY ACTIONS CONTRARY TO ALLIED LEGISLATION OR TO THE QUADRIPARTITE AGREEMENT. END TEXT.

5. SEPTEL REPORTS PROTEST RECEIVED BY BRITISH IN BERLIN ON APRIL 7 ABOUT S-BAHN SEARCHES IN CONNECTION WITH LORENZ KIDNAPPING. GEORGE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TREATY VIOLATION, DIPLOMATIC DISCUSSIONS, BERLIN QUADRIpartite MATTERS, DIPLOMATIC PROTESTS
Control Number: n/a
Copy: SINGLE
Draft Date: 08 APR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: buchandr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975USBERL00670
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750123-0504
From: USBERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750469/aaaacloz.tel
Line Count: 191
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 TATE 77578, 75 BONN 5526
Review Action: RELEASED, APPROVED
Review Authority: buchandr
Review Comment: n/a
Review Content Flags:
Review Date: 20 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <20 MAY 2003 by BoyleJA>; APPROVED <01 OCT 2003 by buchandr>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SOVIET COMPLAINT ON FRG ACTIVITIES IN BERLIN
TAGS: PGOV, PFOR, WB, UR, US, FR, UK, GE, (LORENZ, PETER)
To: BONN
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006